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OFFICE OF PETITIONS

In re Application of	:	
Frank Himmelsbach, et. al.	:	
Application No. 10/636,088	:	ON PETITION
Filed: August 7, 2003	:	
Attorney Docket No. 1/1386	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on July 13, 2007, to revive the above-identified application.

The above application became abandoned for failure to file a proper reply to the final Office action mailed November 2, 2006. A Notice of Abandonment was mailed on June 27, 2007.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. Thus, in accordance with 37 CFR 1.34(a), the signature of Timothy X. Gibson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if Mr. Gibson desires to receive future correspondence regarding this application, the appropriate power of

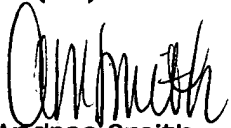
attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the \$790 filing fee; (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 1624, for processing of the RCE filed on July 13, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is positioned above the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Timothy X. Gibson
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